

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>COREY HINTON,</b>	:	<b>CIVIL ACTION</b>
Plaintiff	:	
	:	
<b>v.</b>	:	<b>No. 08-0295</b>
	:	
<b>FRANKLIN J. TENNIS, et al.</b>	:	
Defendants	:	

**O R D E R**

AND NOW, this 12th day of March, 2009, upon consideration of the Commonwealth Defendants' motion to dismiss (Document #10), and the plaintiff's response thereto (Document #18), it is hereby ORDERED that the motion is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that:

1. Defendant Simcox is DISMISSED as a defendant in this action;
2. Defendants Evans Gary, Jr., and Richard Bennett are DISMISSED as defendants in this action because of the lack of proper service;
2. The plaintiff shall file an amended complaint consistent with this Memorandum within thirty (30) days of the date of this Order;
3. Also within thirty (30) days of the date of this Order, Defendant Mr. Hamilton shall file a reason to show cause why default judgment should not be entered against him for failure to respond to this complaint.

BY THE COURT:

/s/Lawrence F. Stengel

LAWRENCE F. STENGEL, J.